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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,637	03/28/2006	Toshitaka Araga	WAKAB83.002APC	9022
20995	7590	12/29/2008	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			BLANKENSHIP, GREGORY A	
			ART UNIT	PAPER NUMBER
			3612	
			NOTIFICATION DATE	DELIVERY MODE
			12/29/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/573,637	ARAGA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	GREGORY BLANKENSHIP	3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on amendment filed 10/7/2008.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-7 and 9-14 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 1-7 is/are allowed.

6) Claim(s) 9-12 is/are rejected.

7) Claim(s) 13 and 14 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 3/28/2006 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sturt et al. (6,698,816), in view of Kawasaki et al. (6,439,638), further in view of Peterson (5,887,933), further in view of Jaillet et al. (US 2002/0067064).

Sturt et al. disclose a sun visor (10) for a vehicle having a shading plate-like core (30) for use in a passenger cabin of the vehicle. A support shaft (12) supports the plate-like core (30) in the passenger cabin. The plate-like core (30) has plurality a plurality of circular micropores (32), as shown in Figure 2. The total open area of the pores can be adjusted such that the opacity can vary between 80-100% resulting in a total open area that falls in the range of 2% to 30% of the projected area of the plate-like core, as disclosed on lines 15-19 of column 3.

In reference to claims 10 and 11, the plate-shaped core comprises a face side plate (14) and a reverse side plate (30) which has substantially or nearly the same contour. The plates (14,30) are coupled with each other, as shown in Figure 1. The pores (22,32) are formed in both plates (14,30), as shown in Figure 2. The pores of the face side plate (14) can be placed out of alignment with the pores of the reverse side plate (30) when viewed in the thickness direction. In reference to claim 12, the face side plate (14) and the reverse side plate (30) have a hollow spaced formed therebetween when the face side plate and the reverse side

plate are superposed on each other due to the rim that extends from the face side plate (14) towards the reverse side plate (30) and around the openings (22), as shown in Figure 2. However, Sturt et al. do not disclose the claimed diameter of the openings and the cover member.

Kawasaki et al. teach forming openings in a sun visor with a diameter between 1.0-2.4 mm as shown in Figure 5 as Types D, F, G, and I.

Peterson teaches providing a sun visor (10) with a cloth cover (14), as shown in Figures 1 and 2.

Jaillet et al. teach forming a cloth layer (14) of a vehicle interior component such that the layer has an air permeability of less than 20 cc/cm<sup>2</sup>/second, as disclosed in paragraph [0053].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to:

form the openings of Sturt et al. with a diameter of 2.4 mm, as taught by Kawasaki et al., to provide openings that are neither too small nor too large to provide the intended function;

provide a cloth cover to the outer surface of the sun visor of Sturt et al., as taught by Peterson, to improve the aesthetics of the sun visor; and

form the cloth cover of a fabric having an air permeability of less than 20 cc/cm<sup>2</sup>/second, as disclosed by Jaillet et al., to provide a cover that is sufficiently strong and flexible.

***Allowable Subject Matter***

3. Claims 1-7 are allowed.

4. Claims 13 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

5. Applicant's arguments filed 10/7/2008 have been fully considered but they are not persuasive. The applicant has argued that there is no reason to use the permeability of just one layer of JaiIlet et al., as set forth in the rejection of previous claim 15 now amended claim 9. The examiner disagrees because Peterson teaches the use of a cloth material to form a cover for a sun visor. JaiIlet et al. is used simply to teach the fact that a cloth material with air permeability of less than 20 cc/cm<sup>2</sup>/second is known in the art. The combination of the references results in a structure using a known material in a known manner that produces known results.

6. The applicant has argued that the addition of a cover material to the sun visor would not allow a viewer to see through the holes of the sun visor, thus making the rejection improper because Sturt et al. and Kawasaki et al. are directed at allowing a viewer to see through the holes. The examiner disagrees with the assertion that a viewer would not be able to see through a cover material. The cover would act as a light filter, similar to that of the light attenuating plate (5) of Kawasaki et al., much like a common window shears. This would allow a viewer to still see through the holes while reducing glare viewed by the viewer.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY BLANKENSHIP whose telephone number is (571)272-6656. The examiner can normally be reached on 7-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. Glenn Dayoan/  
Supervisory Patent Examiner, Art Unit

Art Unit: 3612

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gab

December 19, 2008